

Applicant: TSO
Serial No: 09/854,423
Filing Date: May 10, 2001
Page: 14 of 18

REMARKS

In response to the First Office Action mailed October 26, 2006 (hereinafter "Office Action"), claims 2, 16, and 30 have been cancelled without prejudice or disclaimer, and claims 1, 10-12, 15, 24-29, 32, and 39-40 have been amended. No claims have been newly added. Claims 42-59 are withdrawn from consideration. Therefore, claims 1, 3-15, 17-29, and 31-41 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicant thanks the Examiner for considering the references cited in the Information Disclosure Statement filed on June 10, 2003, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,061,660 to Eggleston *et al.* ("Eggleston") in view of U.S. Patent No. 4,968,873 to Dethloff *et al.* ("Dethloff") [Office Action, pg. 3]. Applicant disagrees with the propriety of the rejection. However, *solely* in an effort to expedite prosecution, independent claims 1, 15, and 29 have been amended to clarify points of novelty over the references of record.

Applicant: TSO
Serial No: 09/854,423
Filing Date: May 10, 2001
Page: 15 of 18

In particular, independent claims 1 and 15 each recite, *inter alia*, the feature(s) of:

receiving [receive], from a first participant in the transaction, a request to process the transaction using a first currency that is not recognized by a second participant in the transaction, wherein the first currency comprises a private currency;

Independent claim 29 similarly recites:

an input/output mechanism configured to receive, from a first participant in the transaction, a request to process the transaction using a first currency that is not recognized by a second participant in the transaction, wherein the first currency comprises a private currency;

Neither Eggleston nor Dethloff, either alone or in combination, appear to disclose, teach, or suggest *at least* these features.

Eggleston, for example, fails to disclose, teach, or suggest the feature of receiving, from a first participant in the transaction, a request to process the transaction using a first currency (comprising a private currency) that is not recognized by a second participant in the transaction. In the Office Action, the Examiner appears to allege that Eggleston's disclosure of a consumer presenting a card to a retailer to redeem an award or prize acquired through an incentive program provided by a sponsoring entity teaches the foregoing claim recitation. Applicant disagrees. The alleged transaction in Eggleston of a user redeeming an award or prize does not constitute a transaction involving a *first currency*, whether private or otherwise, that is *not* recognized by a second participant. By contrast, Eggleston appears to disclose that this "transaction" merely concerns verification by a retailer that a particular award or prize is associated with the particular consumer claiming the award or prize:

At a step 608 the consumer is instructed to visit a retailer to obtain a prize. The consumer presents the card 11 or a promotional item at a step 610. The retailer dials the winner's database at a step 612, inputs the card ID number at a step

Applicant: TSO
Serial No: 09/854,423
Filing Date: May 10, 2001
Page: 16 of 18

614, **and determines a match** at a step 616. In the absence of a match at the step 616, the retailer checks the input at a step 618 and, still failing a match, refers the consumer to the issuer at a step 620. If a match occurs at the step 616, the retailer inputs the stock keeping unit number, or SKU at a step 622 and queries the consumer database for a match at a step 624. Absent a match after checking for correct input at a step 626, the retailer refers the consumer to the issuer at a step 628. If a match occurs, the retailer receives an authorization code online or by phone from the host system at a step 630. The retailer then provides a receipt at a step 632 that is signed by the consumer, **in which case the consumer may then exit the store with the award.**

[Eggleston, col. 44, line 64 – col. 45, line 13, **emphasis added**].

...

From the consumer perspective, at a step 696, the consumer is issued a card. The consumer wins a promotion at a step 698 and is instructed, at a step 700 to retrieve the prize. At a step 702, the consumer collects the prize and, at a step 704, presents the prize to the retailer for fulfillment, at which point the retailer verifies and awards the prize at the steps 684 and 686.

[Eggleston, col. 46, lines 55-61].

Thus, an award redemption transaction between a consumer and retailer in Eggleston does not appear to entail an exchange of currency (private or otherwise) between the consumer and retailer that the retailer does not recognize.

Dethloff fails to cure this deficiency of Eggleston. In particular, Dethloff discloses a smart card or “M-card” which carries a program mechanism and central processing unit for manipulating values which can be stored in the card. While Dethloff does disclose functionality associated with the conversion of various national currencies (*e.g.*, Franks, Yen, Pound Sterling, or Deutschmarks) [Dethloff, *e.g.*, col. 7, lines 9-11; and FIGS. 11-12], Dethloff does not appear to disclose, teach, or suggest the feature of receiving, from a first

Applicant: TSO
Serial No: 09/854,423
Filing Date: May 10, 2001
Page: 17 of 18

participant in the transaction, a request to process the transaction using a first currency that is not recognized by a second participant in the transaction, wherein the first currency comprises a private currency.

For at least each of the foregoing reasons, neither Eggleston nor Dethloff, either alone or in combination, appear to disclose, teach, or suggest all of the features of at least independent claims 1, 15, and 29. Accordingly, withdrawal of the rejection of independent claims 1, 15, and 29 is earnestly sought. Dependent claims 3-14, 17-28, and 31-41 are allowable at least because they depend from allowable independent claims, as well as for the further features they recite.

The foregoing amendments and remarks are presented *solely* in an effort to expedite prosecution. Should the Examiner maintain the rejection under 35 U.S.C. § 103(a) over Eggleston in view of Dethloff, Applicant expressly reserves the right to demonstrate that a *prima facie* case of obviousness has not been established by the Examiner. In particular, Applicant reserves the right to demonstrate that: (1) both Eggleston and Dethloff constitute non-analogous art (and thus are not within the appropriate scope of the prior art) because the references are not within the field of the inventor's endeavor, nor are they reasonably pertinent to the particular problem(s) with which the inventor was involved; (2) assuming arguendo that the art is not deemed non-analogous, there is no legally proper teaching, suggestion, or motivation to modify Eggleston to include the teachings of Dethloff; and (3) assuming arguendo that there was a legally proper teaching, suggestion, or motivation to combine Eggleston and Dethloff, the references, even if combined, fail to disclose, teach, or suggest all of the claim recitations.

Applicant: TSO
Serial No: 09/854,423
Filing Date: May 10, 2001
Page: 18 of 18

CONCLUSION


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: February 22, 2007

Respectfully submitted,

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